

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ZIMMER SPINE, INC. f/k/a  
CENTERPULSE  
SPINE-TECH INC.,

Plaintiff,

v.

ALTIVA CORPORATION,

Defendant.

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Case No. 05 CV 585 (MJD/JGL)

**STIPULATION FOR  
EXTENSION OF TIME OF  
COURT'S JURISDICTION**

**WHEREAS**, the parties engaged in mediation on September 15, 2005 and reached a settlement in principle in this matter;

**WHEREAS**, the parties promptly informed the Court of the settlement and, on September 21, 2005, stipulated to a stay of pending motions and all proceedings in the matter (Doc. No. 42);

**WHEREAS**, on September 27, 2005, the Court (Magistrate Judge Susan R. Nelson) issued an order, pursuant to the stipulation, staying all proceedings for 45 days (Doc. No. 43); and

**WHEREAS**, on October 5, 2005, the stay order notwithstanding, the Court entered the standard Order in this District dismissing the action but retaining jurisdiction for a set period of time (Doc. No. 44); and

**WHEREAS**, on November 7, 2005, the Court entered an Order pursuant to stipulation of the parties extending its jurisdiction in this matter through December 3, 2005 to allow the parties additional time to finalize the written Settlement Agreement in

this case and submit a final proposed Order of Dismissal to the Court (Doc. No. 46); and

**WHEREAS**, on December 2, 2005, the parties filed a stipulation and proposed order requesting that the Court extend its jurisdiction until December 16, 2005 (Doc. No. 47).

**WHEREAS**, in the interim, the parties have continued to negotiate the Settlement Agreement and Release and a proposed form of Order of dismissal; and

**WHEREAS**, although the parties have made substantial progress toward finalizing the Settlement Agreement and Release, due to the extended discussion over certain issues, the involvement of third parties, and other reasons, a short additional period of time is necessary to finalize the Settlement Agreement.

**THEREFORE**, IT IS HEREBY STIPULATED by Plaintiff Zimmer Spine, Inc. and Defendant Altiva Corporation, by and through their respective counsel, that the Court's jurisdiction in this matter should extend through and including December 30, 2005, with the prior order of the Court (Docket No. 43) in effect until that time.

Dated: December 15, 2005

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Dated: December 15, 2005

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